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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,917	01/22/2002	David A. Braun	100111255-1	4940

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EXAMINER

DESIR, JEAN WICEL

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,917

Applicant(s)

BRAUN, DAVID A.

Examiner

Jean W. Désir

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004, Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Miseli (US 5,537,145).

Claim 6:

The claimed “a keypad” is disclose, see Fig. 1 items 123, 124;

the claimed “a video display screen” is disclosed, see Fig. 1 item 135;

the claimed “a memory that stores information for a video display test program” is disclosed, see Fig. 1 items 105, 106, 125;

the claimed “a processor that extracts the information for video display test program from the memory, converts the information into video display test signals, and executes the video display test program” is disclosed, see Fig. 1 items 110, 111 col. 4 lines 24-53;

the claimed “a controller that sends the video display test signals in a proper format to the video display screen” is disclosed, see Fig. 1 items 115, 116, 117, 135, col. 4 lines 36-53, col. 5 line 36 to col. 6 line 28.

Claims 7, 8 are disclosed, see Fig. 1 items 110, 105.

Claim 9 is disclosed, see Fig. 1 items 123, 124.

Claim 10 is disclosed, see Fig. 1 items 122, 121, 130.

Claim 11 is disclosed, see Fig. 1 item 105, col. 4 lines 17-25.

Claims 12, 13 are disclosed, see col. 4 lines 17-53, col. 5 line 36 to col. 6 line 28.

Claim 14 is disclosed, see col. 5 line 44, col. 2 lines 5-11, col. 1 lines 29-31.

3. Claims 1-5, 15-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Perholtz et al (US 5,732,212).

Claim 1:

The claimed "receiving a request for service on a video display device from an end user at a remote site" is disclosed, see col. 7 lines 6-50;

the claimed "providing an access code to the end user at the remote site to initiate a video display test on the video display device using information stored inside the video display device" is disclosed, see col. 38 lines 9-60;

the claimed "receiving reports from the end user at the remote site; and diagnosing on a functionality of the video display device based on the reports received from the end user" is disclosed, see col. 8 lines 1-44, col. 32 line 37 to col. 33 line 23.

Claims 2, 5 are inherent to Perholtz's disclosure.

Claim 3:

The claimed "contacting a service center to obtain a test code" is disclosed, col. 31 lines 36-67, see col. 7 lines 6-50, the password is interpreted as being the test code as claimed;

the claimed “entering the test code from a keypad on a video display device to initiate a visual test that displays a plurality of video display test patterns on a video display screen using information stored inside the video display device” is disclosed, see col. 31 lines 36-67, col. 38 lines 9-60;

the claimed “examining each video display test pattern to generate an evaluation; reporting the evaluation to the service center; and receiving a diagnosis from the service center” is disclosed, see col. 8 lines 1-44, col. 32 line 37 to col. 33 line 23.

Claim 4 is disclosed, see col. 8 lines 11-58.

Claim 15 is rejected for the same reasons as claim 1, see col. 44 lines 30-46 where the validity of the access code is determined as claimed.

Claims 16, 17 are disclosed, see col. 31 lines 31-67.

Claims 18, 19 are disclosed, see col. 8 lines 1-44, col. 32 line 37 to col. 33 line 23.

Claim 20 is disclosed, see col. 7 lines 17-21, col. 31 lines 36-67, col. 44 lines 30-36.

Response to Arguments

4. Applicant’s arguments have been fully considered but they are not persuasive.

Applicant argues on page 9 of the REMARKS that “Perholtz et al. fails to teach an access code is provided to the end user or that a test code is obtained to initiate a video display test using information stored inside the video display device as recited in claims 1 and 3”. These arguments are not persuasive, because the Applicant agrees that the claimed limitation “receiving reports from the end user at the remote site; and diagnosing on a functionality of the video display device based on the reports received

from the end user" is disclosed, see col. 8 lines 1-44, col. 32 line 37 to col. 33 line 23, as pointed out in the above rejection; before this diagnosing or testing happened, as claimed, password (access code or test code) is provided to the end user at the remote site to initiate video display testing as claimed (see also col. 31 lines 36-67).

Applicant arguments on page 10 of the REMARKS, regarding claim 6, are not persuasive; because Applicant arguments referred to Fig. 3, and the above rejection of claim 6 referred to Fig. 1 where all the claimed limitations have been clearly disclosed as claimed and as pointed out in the above rejection. Applicant fails to respond to the rejection as presented in the office action which uses Fig. 1.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272 7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

May. 31, 05


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600